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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,256	08/15/2003	Wei Yuan	P1028 (16221RRUS02)	1538
64458	7590	06/22/2010	EXAMINER	
Hemingway & Hansen, LLP 1717 Main Street Comerica Bank Tower- Suite 2500 Dallas, TX 75201				TOLENTINO, RODERICK
2439		ART UNIT		PAPER NUMBER
MAIL DATE		DELIVERY MODE		
06/22/2010		PAPER		

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* WEI YUAN

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Appeal 2009-006649  
Application 10/642,256  
Technology Center 2400

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Decided: June 22, 2010

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Before, ROBERT E. NAPPI, MARC S. HOFF, and DEBRA K.  
STEPHENS, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the final rejection of claims 1-20. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse the Examiner's rejections of these claims.

## INVENTION

The invention is directed to a method for communicating media across firewalls. A trusted entity located outside of the firewall is used to create a pinhole through the firewall. The trusted entity replaces a designation address with a pinhole address so that the information can be transmitted through the pinhole and to the communication device. *See Spec: 1-11.*

Claim 1 is representative of the invention and reproduced below:

1. A packet-based communication network for communication through a communication network gateway comprising:
  - a firewall on the communication network gateway for securing communications to and from the network;
  - a communication device on the communication network connected to the firewall by a communication link;
  - a trusted entity linked to the firewall by a communication link, said link allowing information packets to be sent to a first communication pinhole through the firewall to the communication device; and
  - said trusted entity replacing an address designation in the address header of one of said information packets with an address designation for the first communication pinhole so the information packet can be transmitted through said pinhole to said communication device.

## REFERENCES

Trossen	US 2003/0212764 A1	Nov. 13, 2003 (filed May 10, 2002)
Wu	US 2003/0212809 A1	Nov. 13, 2003

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(filed May 9, 2002)

O'Keefe

US 6,941,477 B2

Sep. 6, 2005

(filed Jul. 11, 2001)

## REJECTIONS AT ISSUE

Claims 1-13 and 15-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Trossen in view of O’Keefe. Ans. 3-7.

Claims 14, 19, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Trossen in view of O’Keefe and Wu. Ans. 7-8.

## ISSUE

### *35 U.S.C. § 103 rejections*

Appellant argues on pages 6-11 of the Appeal Brief and pages 2-4 of the Reply Brief that the Examiner's rejection of claims 1-20 is in error.

Appellant argues that references do not disclose a trusted entity, located outside the communication network, which communicates information through the firewall to a communication device, as disclosed in independent claims 1, 8, and 15. App. Br. 6, 8-10; Reply Br. 2-4. Dependent claims 2-7, 9-14, and 16-20 are dependent upon claims 1, 8, and 15 and contain similar limitations to claims 1, 8, and 15.

Thus, with respect to claims 1-20, Appellant's contention presents us with the issue: Did the Examiner err in finding that Trossen in view of O'Keefe discloses a trusted entity, located outside of the communication

network, which communicates information through the firewall to a communication device?<sup>1</sup>

## ANALYSIS

### *35 U.S.C. § 103(a) rejections*

Appellant's arguments have persuaded us of error in the Examiner's rejection of claim 1. Claim 1 recites "a trusted entity linked to the firewall by a communication link, said link allowing information packets to be sent to a first communication pinhole through the firewall to the communication device." Independent claims 8 and 15 recite similar limitations. Claims 2-7, 9-14, and 16-20 depend upon independent claims 1, 8, and 15. The Examiner finds that Trossen discloses "an entity linked to the firewall by a communication link" and that O'Keefe discloses that the entity is a trusted entity. Ans. 3-4. Additionally, the Examiner finds that the claim language does not require that the entity be located outside of the firewall, only connected to it. Ans. 9. However, Appellant argues that the claim limitation requires that the firewall be located between the communication device and the trusted entity and, as such, the entity is located outside of the communication network. App. Br. 6, 8-9; Reply Br. 2-4. We agree with Appellant. Claim 1 recites that the communication device is connected to a firewall that has a pinhole. It is through this pinhole that the communication

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<sup>1</sup> Appellant makes additional arguments regarding claims 1-20. App. Br. 11-15; Reply Br. 4-6. We do not reach these additional issues since the issue of whether Trossen in view of O'Keefe discloses a trusted entity, located outside of the communication network, which communicates information through the firewall to a communication device, is dispositive of the case.

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device is connected to a trusted entity. Therefore, the firewall must be located between the communication device and the trusted entity.

Trossen discloses a mobile terminal (communication device) that is connected to a new access router (a trusted entity). The Access router is connected to a firewall with a pinhole that is connected to a new content source. Page 3, ¶ [0024]. As such, Trossen does not disclose a firewall located between the communication device and the trusted entity. The additional teachings of O'Keefe and Wu do not make up for the deficiencies noted above. Therefore, we will not sustain the Examiner's rejection of claims 1-20.

## CONCLUSION

The Examiner erred in finding that Trossen in view of O'Keefe discloses a trusted entity, located outside of the communication network, which communicates information through the firewall to a communication device.

## SUMMARY

The Examiner's decision to reject claims 1-20 under 35 U.S.C. § 103(a) is reversed.

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REVERSED

ELD

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